

REMARKS

Claims 1-4, 6-19, and 21-26 were pending when the present Office Action was mailed on March 22, 2007. In this response, claims 1, 11, 14, 15, and 22-26 have been amended. Accordingly, claims 1-4, 6-19, and 21-26 are currently pending.

Applicant would like to thank the Examiner for indicating claims 22-25 are directed to allowable subject matter. Applicant has amended these claims to include the language of the base claims from which they depend.

The Examiner has rejected claims 15-19 and 25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.¹ Applicant has amended independent claim 15 to recite that the computer program is embedded in a "computer-readable tangible storage medium." Since these claims now recite a computer program, which is "functional descriptive material," that is stored a computer-readable medium, these claims are directed to statutory subject matter. (MPEP § 2106.01.)

The Examiner has rejected claims 1-4, 6-19, 21, and 26 rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball and Kallas.

Applicant has amended each of the independent claims clarify that the cookies received during a telephone session of the identified user are persistently stored so they are available during subsequent telephone sessions of the identified user. For example, claims 1-4, 6-10, 15-19, and 21 recite "wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the user identified by the telephone identifying information." Claims 11-14 recite "wherein new cookies are stored persistently so that they are available for subsequent telephone sessions of the identified

¹ The Examiner also rejected claims 13 and 14 as being directed to non-statutory subject matter. Applicant assumes that the reference to claims 13 and 14 in this rejection is a typographical error since those claims are directed to an "apparatus" and "computer system," respectively, and not a "computer program."

user." Claim 26 recites "the cookies being persistently stored during a prior telephone session initiated by the identified user."

The Examiner relies on Ball's Telephone/IP server as describing the storing of cookies. Ball, however, neither teaches nor suggests that the Telephone/IP server identifies a user placing a telephone call or persistently stores cookies of the identified user so that they are available during a subsequent telephone session. Rather, Ball's Telephone/IP server simply stores a cookie "associated with the presently connected end user." (Ball, 9:40-42.) The cookie is provided by a service. Ball's Telephone/IP server uses the stored cookie when the end user transfers to a different service with the same domain name of the prior service during the same telephone call. (Ball, 9:54-62.) Because Ball's Telephone/IP server does not identify the end user, it cannot persistently store a cookie so that it is available during a subsequent telephone session of that end user as now recited by the claims.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions, or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268604US from which the undersigned is authorized to draw.

Dated: September 21, 2007

Respectfully submitted,

By Maurice J. Pirio
Maurice J. Pirio
Registration No.: 33,273
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8548
(206) 359-9548 (Fax)
Attorney for Appellant